



# INTERCOUNTRY ADOPTION

Office of Children's Issues

## **Adoption of Children from Countries in which Islamic Shari'a law is observed**

The Department of State has received many inquiries from American citizens who wish to adopt orphans from countries in which Shari'a Law is observed. There is a vast variance in the implications and observance of Shari'a law from country to country. Generally, however, Islamic family law does not allow for adoption as that concept is understood in the United States. Accordingly, it may not be possible for American citizens to adopt an orphan overseas and to obtain an immigrant visa that will allow that orphan to live in the United States. However, some countries in which Shari'a law is observed do allow custody of children to be transferred through guardianship. Prospective parent/guardians frequently have inquired as to whether immigrant visas might be obtained for an orphan through Shari'a recognized guardianship.

The Immigration and Nationality Act does allow for the issuance of immigrant visas for orphans to be adopted in the United States. Prospective adoptive parents must first obtain guardianship or custody of the orphan for emigration and adoption in the United States, in accordance with the laws of the sending country. To show this standard has been met, the prospective adoptive parents must provide documentation to establish that the child has been irrevocably released for emigration and adoption. This may take the form of a written release from the Shari'a court or a competent authority, either included on the guardianship decree itself or as a separate document, or a provision of law from the sending country indicating that the guardianship decree implies permission for the child to emigrate and be adopted in another country.

Again, the issuance of the immigrant visa in these cases depends on a showing that the underlying Shari'a law or the Islamic courts in the country in question actually allows for the child to be adopted overseas. To this point, in many cases, when the I-600 petition and the guardianship decree are submitted by the prospective adoptive parents, the consular officer reviewing





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the case might have to contact the Islamic court that issued the decree or work with the U.S. Citizenship and Immigration Service of the Department of Homeland Security to ensure that the guardianship decree meets all U.S. immigration law requirements. Because of this, the I-600 processing time period for these cases may be longer than in other orphan visa cases.

It is also important to note that at the time the prospective adoptive parents submit the I-600 application and guardianship decree they will also have to show the consular officer that they have met all the pre-adoption requirements of the state in which they will be adopting the orphan once they return to the U.S. (through documentary evidence, etc.).

For further information on this issue, please refer to the specific flyer for the Shari'a law country in question or contact the Department of State's Office of Children's Issues at **(202) 736-9099**.